

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALFRED PIRRI, JR.,

Plaintiff,

-v-

LORI CHEEK, CHARLIE KICKHAM,
LOCKE RAPER, and CHEEK'D, INC.,

Defendants.

19 Civ. 180 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On May 18, 2020, the Court granted defendants' motion for the imposition, as a sanction, of an award of partial attorneys' fees on plaintiff, following the uncontested entry of summary judgment in defendants' favor. Dkt. 108 ("Order"). Defendants limited their request for fees to the period of October 1, 2019, to December 23, 2019, and the Court so limited its award. *See id.* at 25. The Court directed defense counsel to submit a declaration attaching billing statements for these three months and quantifying the associated fees. *Id.* Upon defendants' submission, Pirri was given "one week to file an opposition, if any, limited exclusively to objections to the reasonableness of the fees incurred by defense counsel." *Id.*

On May 26, 2020, defense counsel submitted billing statements totaling \$17,080.72 for the period of October 1, 2019 to December 23, 2019. Dkt. 109 ("Def. Decl."). Defense counsel also submitted a letter asking the Court to consider awarding fees for work billed between July 2019 and October 2019, a period for which the Court observed that there was a "basis in the record to impose costs," although defendants had not so requested in their motion for sanctions. Dkt. 110 ("Def. Letter") (quoting Order at 25). Defense counsel's declaration and attached

billing records reflect that defendants incurred an additional \$20,568.31 in attorneys' fees during this period. Def. Decl. at 2.

On June 1, 2020, Pirri's counsel submitted an opposition. Dkt. 111 (Pl. Opp'n). Pirri does not challenge the "reasonableness of the fees incurred by defense counsel," however. Order at 25. Instead, he proffers reasons why a sanction of attorney's fees is unwarranted. *See* Pl. Opp'n. Notably, these are arguments that Pirri could have raised, but did not, in opposition to defendants' motion for sanctions, where he instead chose to double down on the very arguments that had prompted that motion in the first place. *See* Order at 19–21. Nor does Pirri oppose, or even acknowledge, defendants' request for an additional award of fees for the period of July through October 2019.

While the Court's Order allowed defendants one week to file a reply in the event that Pirri filed objections to the "reasonableness of the fees incurred by defense counsel," Order at 25, the Court deems defense counsel's declaration to be unopposed. The Court therefore awards fees as follows. The Court limits its award to fees for the period of October 1, 2019, to December 23, 2019, provided that these fees are paid promptly. Counsel for plaintiff is ordered to pay \$17,080.72 to defense counsel by June 15, 2020 and to submit an affidavit when he has done so. The Court retains jurisdiction over this matter for the purpose of enforcing this award.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: June 2, 2020
New York, New York